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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights

Report of the Secretary-General

1. The General Assembly, by its resolution 2200 A (XXI) of 16 December 1966, adopted and opened for signature, ratification or accession the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and expressed the hope that the Covenants and the Optional Protocol would be signed, ratified or acceded to without delay. The Assembly also requested the Secretary-General to submit to it at its future sessions reports concerning the status of ratifications of the Covenants and of the Optional Protocol. In response to that request, reports on the status of the International Covenants and the Optional Protocol have been submitted annually to the Assembly since its twenty-second session in 1967.

2. Both Covenants and the Optional Protocol were opened for signature at New York on 19 December 1966. In accordance with their respective provisions, 1/ the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, the International Covenant on Civil and Political Rights entered into force on 23 March 1976, and the Optional Protocol to the International Covenant on Civil and Political Rights, having received the required number of ratifications or accessions, entered into force simultaneously with that Covenant on 23 March 1976.

3. By its resolution 45/135 of 14 December 1990, the General Assembly, inter alia, again urged all States that had not yet done so to become parties to both Covenants, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights; invited the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant; appealed to States parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed; and encouraged all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and to distribute them and make them known as widely as possible in their territories. The Assembly also requested the Secretary-General to submit to it at its forty-sixth session a report on the status of the Covenants and the Optional Protocols and decided to hold a commemorative meeting in honour of the Covenants on 16 December 1991, the twenty-fifth anniversary of their adoption.

4. As at 1 August 1991, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 99 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 95 States and the First Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 55 States. The list of States which have signed, ratified or acceded to the Covenants and the Optional Protocol and the dates of their signatures, ratifications, or accessions appear in annexes I to III of the present report.

5. The General Assembly by its resolution 44/128 of 15 December 1989, adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, and called upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

6. The Second Optional Protocol to the International Covenant on Civil and Political Rights entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession. As at 1 August 1991, the Second Optional Protocol had been ratified or acceded to by 9 States. 2/ In addition, it had been signed by another 12 States. The list of States that have signed, ratified or acceded to the Second Optional Protocol as well as the dates of their signature, ratification or accession thereto, is contained in annex IV to the present report.

7. Upon ratification of the International Covenant on Civil and Political Rights or subsequently, the Governments of Algeria, Argentina, Austria, Belgium, Canada, Chile, Congo, Czechoslovakia, Denmark, Ecuador, Finland, the Gambia, Germany, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, the

Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, the Republic of Korea, Senegal, Spain, Sri Lanka, Sweden and the United Kingdom of Great Britain and Northern Ireland made the declaration provided for in article 41 of the Covenant, recognizing the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant. The provisions of article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article.

8. As regards the implementation of the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17 of 28 May 1985, held its fifth session at the United Nations Office at Geneva from 26 November to 14 December 1990. It submitted a report to the Economic and Social Council at its first regular session of 1991, 3/ in which it made suggestions and recommendations concerning issues arising from the consideration of reports submitted by States parties to the Covenant.

9. By its resolution 1991/33 of 31 May 1991, the Economic and Social Council, inter alia, took note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fifth session, and decided to transmit the report of the Committee to the General Assembly at its forty-sixth session for consideration under the agenda item entitled "Human rights questions".

10. As regards the implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee held its fortieth session at the United Nations Office at Geneva from 22 October to 9 November 1990, its forty-first session at United Nations Headquarters from 25 March to 12 April 1991, and its forty-second session at the United Nations Office at Geneva from 8 to 26 July 1991. In accordance with article 45 of the Covenant and article 6 of the First Optional Protocol, the Committee has submitted its annual report to the General Assembly at its forty-sixth session, 4/ which covers the activities of the Committee at its fortieth, forty-first and forty-second sessions.

Notes

1/ Article 27 of the International Covenant on Economic, Social and Cultural Rights, article 49 of the International Covenant on Civil and Political Rights and article 9 of the First Optional Protocol.

2/ Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic signed the Second Optional Protocol on 7 March 1990 and ratified it on 2 October 1990.

Notes (continued)

3/ Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23).

4/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 40 (A/46/40).

ANNEX I

List of States that have signed, ratified or acceded to the International Covenant on Economic, Social and Cultural Rights

State party	Date of signature	Date of receipt of the instrument of ratification or accession
Afghanistan		24 January 1983 a/
Algeria	10 December 1968	12 September 1989
Argentina	19 February 1968	8 August 1986
Australia	18 December 1972	10 December 1975
Austria	10 December 1973	10 September 1978
Barbados		5 January 1973 a/
Belgium	10 December 1968	21 April 1983
Bolivia		12 August 1982 a/
Bulgaria	8 October 1968	21 September 1970
Burundi		9 May 1990 a/
Byelorussian Soviet Socialist Republic	19 March 1968	12 November 1973
Cambodia	17 October 1980	
Cameroon		27 June 1984 a/
Canada		19 May 1976 a/
Central African Republic		8 May 1981 a/
Chile	16 September 1969	10 February 1972
China b/		
Colombia	21 December 1966	29 October 1969
Congo		5 October 1983 a/
Costa Rica	19 December 1966	29 November 1968
Cyprus	9 January 1967	2 April 1969
Czechoslovakia	7 October 1968	12 December 1975
Democratic People's Republic of Korea		14 September 1981 a/
Democratic Yemen c/		9 February 1987 a/
Denmark	20 March 1968	6 January 1972

State party	Date of signature	Date of receipt of the instrument of ratification or accession
Dominican Republic		4 January 1978 a/
Ecuador	29 September 1967	6 March 1969
Egypt	4 August 1967	14 January 1982
El Salvador	21 September 1967	30 November 1979
Equatorial Guinea		25 September 1987 a/
Finland	11 October 1967	19 August 1975
France		4 November 1980 a/
Gabon		21 January 1983 a/
Gambia		29 December 1978 a/
Germany d/	9 October 1968	17 December 1973
Greece		16 May 1985 a/
Guatemala		19 May 1988 a/
Guinea	28 February 1967	24 January 1978
Guyana	22 August 1968	15 February 1977
Honduras	19 December 1966	17 February 1981 a/
Hungary	25 March 1969	17 January 1974
Iceland	30 December 1968	22 August 1979
India		10 April 1979 a/
Iran (Islamic Republic of)	4 April 1968	24 June 1975
Iraq	18 February 1969	25 January 1971
Ireland	1 October 1973	8 December 1989
Israel	19 December 1966	
Italy	18 January 1967	15 September 1978
Jamaica	19 December 1966	3 October 1975
Japan	30 May 1978	21 June 1979
Jordan	30 June 1972	28 May 1975
Kenya		1 May 1972 a/
Lebanon		3 November 1972 a/
Liberia	18 April 1967	
Libyan Arab Jamahiriya		15 May 1970 a/
Luxembourg	26 November 1974	18 August 1983

State party	Date of signature	Date of receipt of the instrument of ratification or accession
Madagascar	14 April 1970	22 September 1971 a/
Mali		16 July 1974 a/
Malta	22 October 1968	
Mauritius		12 December 1973 a/
Mexico		23 March 1981 a/
Mongolia	5 June 1968	18 November 1974
Morocco	19 January 1977	3 May 1979
Nepal		14 May 1991 a/
Netherlands	25 June 1969	11 December 1978
New Zealand	12 November 1968	28 December 1978
Nicaragua		12 March 1980 a/
Niger		7 March 1986 a/
Norway	20 March 1968	13 September 1972
Panama	27 July 1976	8 March 1977
Peru	11 August 1977	28 April 1978
Philippines	19 December 1966	7 June 1974
Poland	2 March 1967	18 March 1977
Portugal	7 October 1976	31 July 1978
Republic of Korea		10 April 1990 a/
Romania	27 June 1968	9 December 1974
Rwanda		16 April 1975 a/
Saint Vincent and the Grenadines		9 November 1981 a/
San Marino		18 October 1985 a/
Senegal	6 July 1970	13 February 1978
Solomon Islands		17 March 1982 e/
Somalia		24 January 1990 a/
Spain	28 September 1976	27 April 1977
Sri Lanka		11 June 1980 a/
Sudan		18 March 1986 a/
Suriname		28 December 1976 a/

State party	Date of signature	Date of receipt of the instrument of ratification or accession
Sweden	29 September 1967	6 December 1971
Syrian Arab Republic		21 April 1969 a/
Togo		24 May 1984 a/
Trinidad and Tobago		8 December 1978 a/
Tunisia	30 April 1968	18 March 1969
Uganda		21 January 1987 a/
Ukrainian Soviet Socialist Republic	20 March 1968	12 November 1973
Union of Soviet Socialist Republics	18 March 1968	16 October 1973
United Kingdom of Great Britain and Northern Ireland	16 September 1968	20 May 1976
United Republic of Tanzania		11 June 1976 a/
United States of America	5 October 1977	
Uruguay	21 February 1967	1 April 1970
Venezuela	24 June 1969	10 May 1978
Viet Nam		24 September 1982 a/
Yugoslavia	8 August 1967	2 June 1971
Zaire		1 November 1976 a/
Zambia		10 April 1984 a/
Zimbabwe		13 May 1991 a/

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a/ Accession.

b/ Following the adoption by the General Assembly of resolution 2758 (XXVI) of 25 October 1971 on the restoration of the lawful rights of the People's Republic of China in the United Nations, the Minister for Foreign Affairs of the People's Republic of China, by a note addressed to the Secretary-General, received on 29 September 1972, stated:

> "1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese government before the establishment of the People's Republic of China, my Government will examine all their contents before making a decision in the light of the circumstances as to whether or not they should be recognized.
>
> "2. As from 1 October 1949, the day of the founding of the People's Republic of China, the Chiang Kai-Shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of 'China' are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to."

The lists in annexes I to III therefore do not include the signature of the two Covenants and the Optional Protocol on behalf of the "Republic of China" on 5 October 1967.

c/ In a communication dated 19 May 1990, the Ministers of Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen informed the Secretary-General of the formation on 22 May 1990 of a single sovereign State called the "Republic of Yemen".

d/ Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic signed the Covenant on 27 March 1973 and ratified it on 8 November 1973.

e/ Date of reception of notification of succession.

ANNEX II

List of States that have ratified or acceded to the International Covenant on Civil and Political Rights

State party	Date of receipt of the instrument of ratification or accession	Date of entry into force
Afghanistan	24 January 1983 a/	24 April 1983
Algeria	12 September 1989	12 December 1989
Argentina	8 August 1986	8 November 1986
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Barbados	5 January 1973 a/	23 March 1976
Belgium	21 April 1983	21 July 1983
Bolivia	12 August 1982 a/	12 November 1982
Bulgaria	21 September 1970	23 March 1976
Burundi	9 May 1990 a/	9 August 1990
Byelorussian Soviet Socialist Republic	12 November 1973	23 March 1976
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Central African Republic	8 May 1981 a/	8 August 1981
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Cyprus	2 April 1969	23 March 1976
Czechoslovakia	23 December 1975	23 March 1976
Democratic People's Republic of Korea	14 September 1981 a/	14 December 1981
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980

State party	Date of receipt of the instrument of ratification or accession	Date of entry into force
Equatorial Guinea	25 September 1987 a/	25 December 1987
Finland	19 August 1975	23 March 1976
France	4 November 1980 a/	4 February 1981
Gabon	21 January 1983 a/	21 April 1983
Gambia	22 March 1979 a/	22 June 1979
Germany b/	17 December 1973	23 March 1976
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991 a/	6 May 1991
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979 a/	10 July 1979
Iran (Islamic Republic of)	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kenya	1 May 1972 a/	23 March 1976
Lebanon	3 November 1972 a/	23 March 1976
Libyan Arab Jamahiriya	15 May 1970 a/	23 March 1976
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Mali	16 July 1974 a/	23 March 1976
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mexico	23 March 1981 a/	23 June 1981
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Nepal	14 May 1991	14 August 1991

State party	Date of receipt of the instrument of ratification or accession	Date of entry into force
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990 a/	10 July 1990
Romania	9 December 1974	23 March 1976
Rwanda	16 April 1975 a/	23 March 1976
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Somalia	24 January 1990 a/	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980 a/	11 September 1980
Sudan	18 March 1986 a/	18 June 1986
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Syrian Arab Republic	21 April 1969 a/	23 March 1976
Togo	24 May 1984 a/	24 August 1984
Trinidad and Tobago	21 December 1978 a/	21 March 1979
Tunisia	18 March 1969	23 March 1976
Ukrainian Soviet Socialist Republic	12 November 1973	23 March 1976
Union of Soviet Socialist Republics	16 October 1973	23 March 1976

State party	Date of receipt of the instrument of ratification or accession	Date of entry into force
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976 a/	11 September 1976
Uruguay	1 April 1970	23 March 1976
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982 a/	24 December 1982
Yemen c/	9 February 1987 a/	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zaire	1 November 1976 a/	1 February 1977
Zambia	10 April 1984 a/	10 July 1984
Zimbabwe	13 May 1991 a/	13 August 1991

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a/ Accession.

b/ Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic ratified the Covenant on 8 November 1973.

c/ As of 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged into a single sovereign State, the Republic of Yemen, with Sana'a as its capital. The People's Democratic Republic of Yemen had acceded to the Covenant on 9 May 1987. The Yemen Arab Republic was not a State party to the Covenant.

ANNEX III

List of States that have ratified or acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights

State party	Date of receipt of the instrument of ratification or accession	Date of entry into force
Algeria	12 September 1989 a/	12 December 1990
Argentina	8 August 1986 a/	8 November 1986
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973 a/	23 March 1976
Bolivia	12 August 1982 a/	12 November 1982
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Central African Republic	8 May 1981 a/	8 August 1981
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Czechoslovakia	12 March 1991 a/	12 June 1991
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
Equatorial Guinea	25 September 1987 a/	25 December 1987
Finland	19 August 1975	23 March 1976
France	17 February 1984 a/	17 May 1984
Gambia	9 June 1988 a/	9 September 1988
Hungary	7 September 1988 a/	7 December 1988
Iceland	22 August 1979 a/	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Libyan Arab Jamahiriya	16 May 1989 a/	16 August 1989
Luxembourg	18 August 1983 a/	18 November 1983
Madagascar	21 June 1971	23 March 1976

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State party	Date of receipt of the instrument of ratification or accession	Date of entry into force
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mongolia	16 April 1991 a/	16 July 1991
Nepal	14 May 1991 a/	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989 a/	26 August 1989
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989 a/	22 November 1989
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990 a/	10 July 1990
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Somalia	24 January 1990 a/	24 April 1990
Spain	25 January 1985 a/	25 April 1985
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Togo	30 March 1988 a/	30 June 1988
Trinidad and Tobago	14 November 1980 a/	14 February 1981
Ukrainian Soviet Socialist Republic	25 July 1991 a/	25 October 1991
Uruguay	1 April 1970	23 March 1976
Venezuela	10 May 1978	10 August 1978
Zaire	1 November 1976 a/	1 February 1977
Zambia	10 April 1984 a/	10 July 1984

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a/ Accession.

ANNEX IV

List of States that have signed, ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty a/

State party	Signature	Date of receipt of the instrument of ratification or accession
Australia		2 October 1990 b/
Austria	8 April 1991	
Belgium	12 July 1990	
Costa Rica	14 February 1990	
Denmark	13 February 1990	
Finland	13 February 1990	4 April 1991
Germany c/	13 February 1990	
Honduras	10 May 1990	
Iceland	30 January 1991	2 April 1991
Italy	13 February 1990	
Luxembourg	13 February 1990	
Netherlands	9 August 1990	27 February 1991
New Zealand	22 February 1990	22 February 1990
Nicaragua	21 February 1990	
Norway	13 February 1990	
Portugal	13 February 1990	17 October 1990
Romania	15 March 1990	27 February 1991
Spain	23 February 1990	11 April 1991
Sweden	13 February 1990	11 May 1990
Uruguay	13 February 1990	
Venezuela	7 June 1990	

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a/ The Second Optional Protocol was adopted and opened for signature, ratification or accession in New York on 15 December 1989 and entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession.

b/ Accession.

c/ Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic signed and ratified the Second Optional Protocol on 7 March and 2 October 1990, respectively.